SAN FRANCISCO
BAYKEEPER®

January 7, 2013

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steven Boucher
President
S.O.S. Steel Company, Inc.
1160 Richard Avenue
Santa Clara, CA 95050

Gary Meade
Vice President
S.O.S. Steel Company, Inc.
1160 Richard Avenue
Santa Clara, CA 95050

Steven Boucher
Agent for Service of Process
S.O.S. Steel Company, Inc.
1160 Richard Avenue
Santa Clara, CA 95050

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Dear Sirs:

I am writing on behalf of San Francisco Baykeeper ("Baykeeper") to give notice that Baykeeper intends to file a civil action against S.O.S. Steel Company, Inc. ("SOS Steel") for violations of the federal Clean Water Act, 33 U.S.C. § 1251 *et seq.* ("CWA") at its facility located at 1160 Richard Avenue, Santa Clara, California 95050 (the "Facility").

Baykeeper is a non-profit public benefit corporation organized under the laws of California, with its office in San Francisco, California. Baykeeper's purpose is to preserve, protect, and defend the environment, wildlife, and natural resources of San Francisco Bay, its tributaries, and other waters in the Bay Area, for the benefit of local communities. Baykeeper has over two thousand members who use and enjoy San Francisco Bay and other waters for various recreational, educational, and spiritual purposes. Baykeeper's members' use and enjoyment of these waters are negatively affected by the pollution caused by SOS Steel's operations.

This letter addresses SOS Steel's unlawful discharge of pollutants from the Facility via stormwater into the Guadalupe River, a tributary of San Francisco Bay. Specifically, Baykeeper's investigation of the Facility has uncovered significant, ongoing and continuous violations of the CWA and the National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("Industrial Stormwater Permit").

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), a citizen must give notice of his or her intent to file suit. 33 U.S.C. § 1365. Notice must be given to the alleged violator, the U.S. Environmental Protection Agency, and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to SOS Steel of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and Intent to File Suit, Baykeeper intends to file suit in federal court against SOS Steel under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, Baykeeper is willing to discuss effective remedies for the violations noted in this letter. We suggest that SOS Steel contact us within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court even if discussions are continuing when the notice period ends.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility

SOS Steel operates at 1160 Richard Avenue in Santa Clara, California (the "Facility"). The Facility consists of one large covered building and equipment, trucks, metal, and scrap materials outdoors. SOS Steel provides steel pieces used in the construction of buildings and bridges. Materials found at the Facility appear to include steel, scrap metal, paints, oils, lubricants, and waste materials. These materials generally contain a wide variety of toxic materials including aluminum, iron, lead, copper, zinc, nitrate/nitrite, and other pollutants. Some processing and storage appears to occur outside. Outdoor activities at the Facility expose rainfall to pollutants. Stormwater containing these pollutants flows into storm drains on site or in the adjacent street.

B. The Affected Waters

Stormwater from the Facility discharges via storm drains into the Guadalupe River, and, from there, into San Francisco Bay. San Francisco Bay is a water of the United States. The CWA requires that water bodies such as San Francisco Bay meet water quality objectives that protect specific "beneficial uses." The beneficial uses of the San Francisco Bay and its tributaries include commercial and sport fishing, estuarine habitat, fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, shellfish harvesting, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects the water quality of San Francisco Bay watershed and threatens the ecosystem of this watershed, which includes significant habitat for listed rare and endangered species.

II. THE ACTIVITIES AT THE FACILITY ALLEGED TO CONSTITUTE VIOLATIONS AND THE EFFLUENT LIMITATIONS VIOLATED

It is unlawful to discharge pollutants to waters of the United States, such as the Guadalupe River and San Francisco Bay, without an NPDES permit or in violation of the terms and conditions of an NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). The Industrial Stormwater Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms.

SOS Steel submitted a Notice of Intent ("NOI") to be authorized to discharge stormwater from the Facility under the Industrial Stormwater Permit. However, information available to Baykeeper indicates that stormwater discharges from the Facility have violated several of the terms of the Industrial Stormwater Permit, thereby violating the CWA. *Id.* Apart from discharges that comply with the Industrial Stormwater Permit, the Facility lacks NPDES permit authorization for any other discharges of pollutants into waters of the United States.

A. Discharges in Excess of BAT/BCT Levels

The Effluent Limitations of the Industrial Stormwater Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for toxic pollutants[1] and best conventional pollutant control technology ("BCT") for conventional pollutants.[2] Industrial Stormwater Permit, Order Part B(3). The EPA has published Benchmark values set at the maximum pollutant concentration present if an industrial facility is employing BAT and BCT, as described in Attachment 1 to this letter.[3]

SOS Steel's self-reported exceedances of Benchmark values over the last five years, identified in Attachment 2 to this letter, indicate that SOS Steel has failed and is failing to employ measures that constitute BAT and BCT for structural metal fabrication facilities in violation of the requirements of the Industrial Stormwater Permit. Baykeeper notes that SOS Steel's self-reported data understates the pattern and extent of pollution coming from the Facility, because SOS Steel failed to collect samples in 2007-2008 and 2009-2010. Nevertheless, based on information available to Baykeeper, SOS Steel's self-reported sample results are representative of the pollutant levels in the Facility's discharges of stormwater. Baykeeper therefore alleges and notifies SOS Steel that its stormwater discharges from the Facility have contained and continue to contain levels of

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[1] BAT is defined at 40 C.F.R. § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.
[2] BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, oil and grease, pH, and fecal coliform.
[3] The Benchmark Values can be found at: http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf and http://cwea.org/p3s/documents/multi-sectorrev.pdf (Last accessed on 12/4/12).

pollutants which exceed Benchmark values for aluminum, iron, zinc, electrical conductivity, nitrate/nitrite, and total suspended solids, among other pollutants.

SOS Steel's ongoing discharges of stormwater containing levels of pollutants above EPA Benchmark values and BAT- and BCT-based levels of control also demonstrate that SOS Steel has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Baykeeper's visual observations of the Facility further support the conclusion that the Facility's BMPs do not constitute BAT and BCT. For example, SOS Steel stores scrap metal materials outside and uncovered where they are exposed to rainfall. Proper BAT and BCT measures could include, but are not limited to, moving certain pollution-generating activities under cover or indoors, capturing and effectively filtering or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce the build-up of pollutants on-site, and other similar measures.

SOS Steel's failure to develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates and will continue to violate the Clean Water Act and the Industrial Stormwater Permit each and every day SOS Steel discharges stormwater without meeting BAT/BCT. Baykeeper alleges that SOS Steel has discharged stormwater containing excessive levels of pollutants from the Facility to the Guadalupe River and San Francisco Bay during at least every significant local rain event over 0.1 inches in the last five years.[4] Attachment 3 compiles all dates in the last five (5) years when a significant rain event occurred. SOS Steel is subject to civil penalties for each violation of the Industrial Stormwater Permit and the CWA within the past five (5) years.

B. Discharges Impairing Receiving Waters

The Industrial Stormwater Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. *See* Industrial Stormwater Permit, Order Part A(2). The Industrial Stormwater Permit also prohibits stormwater discharges to surface or groundwater that adversely impact human health or the environment. *Id.* at Order Part C(1). Receiving Water Limitations of the Industrial Stormwater Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS"). *Id.* at Order Part C(2). Applicable WQSs are set forth in the California Toxics Rule ("CTR")[5] and Chapter 3 of the San Francisco Bay Basin (Region 2) Water Quality Control Plan ("Basin Plan").[6]

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[4] Significant local rain events are reflected in the rain gauge data available at http://cdec.water.ca.gov and http://lwf.ncdc.noaa.gov/oa/ncdc.html. (Last accessed on 12/4/12).

[5] The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31682.

[6] The Basin Plan is published by the US Environmental Protection Agency ("EPA") at: http://water.epa.gov/scitech/swguidance/standards/wqslibrary/upload/2009_03_16_standards_wqslibrary_ca_ca_9_san_francisco.pdf. (Last accessed on 12/4/12).
The Basin Plan is also published by the Regional Board at: http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#2004basinplan. (Last accessed on 12/4/12).

Exceedances of WQSs are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan.

The Basin Plan establishes Water Quality Standards for San Francisco Bay and its tributaries, including but not limited to the following:

- Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affect beneficial uses.

- Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.

- Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relatable to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU.

- All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.

- Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. See the Basin Plan's Table 3-3 for specific marine water quality objectives for toxic pollutants.[7]

Baykeeper alleges that SOS Steel's stormwater discharges have caused or contributed to exceedances of the Water Quality Standards ("WQS") set forth in the Basin Plan and California Toxics Rule. These allegations are based on information available to Baykeeper, including SOS Steel's self-reported data submitted to the Regional Board indicating exceedances of receiving water limits for zinc. *See* Attachment 2. Based on information available to Baykeeper, these sample results are representative of the pollutant levels in the Facility's discharges of stormwater.

Baykeeper alleges that each day that SOS Steel has discharged stormwater from the Facility, SOS Steel's stormwater has contained levels of pollutants that exceeded one or more of the applicable WQS in San Francisco Bay. Baykeeper alleges that SOS Steel has discharged stormwater exceeding WQS from the Facility to the Guadalupe River and San Francisco Bay during at least every significant local rain event over 0.1 inches in the last five years. *See* Attachment 3. Each discharge from the Facility that has caused or contributed, or causes or contributes to an exceedance of an applicable WQS constitutes a

[7] Basin Plan, Table 3-3 is presented in Attachment 4 and is available at: http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-03.pdf. (Last accessed on 12/4/12).

separate violation of the Industrial Stormwater Permit and the CWA. SOS Steel is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA within the past five (5) years.

C. Failure to Develop and/or Implement an Adequate Storm Water Pollution Prevention Plan ("SWPPP")

The Industrial Stormwater Permit requires dischargers to develop and implement an adequate SWPPP. Industrial Stormwater Permit, Section A: Storm Water Pollution Prevention Plan Requirements, (1)(a). The Industrial Stormwater Permit also requires dischargers to make all necessary revisions to existing SWPPPs promptly. *Id.* at Order Part E(2).

The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all potential pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, specification of BMPs designed to reduce pollutant discharge to BAT and BCT levels, a comprehensive site compliance evaluation completed each reporting year, and revisions to the SWPPP within 90 days after a facility manager determines that the SWPPP is in violation of any requirements of the Industrial Stormwater Permit. *See* Industrial Stormwater Permit Section A.

Based on information available to Baykeeper, SOS Steel has failed to prepare and/or implement an adequate SWPPP and/or to revise the SWPPP to satisfy each of the requirements of Section A of Industrial Stormwater Permit. For example, SOS Steel's SWPPP does not include, and SOS Steel has not implemented, adequate BMPs designed to reduce pollutant levels in discharges to BAT and BCT levels in accordance with Section A(8) of the Industrial Stormwater Permit, as evidenced by the data in Attachment 2.

Accordingly, SOS Steel has violated the Clean Water Act each and every day SOS Steel has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of Section A of the Industrial Stormwater Permit, and SOS Steel will continue to be in violation every day until they develop and/or implement an adequate SWPPP. SOS Steel is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring within the past five (5) years.

D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program ("MRP") and to Perform Annual Comprehensive Site Compliance Evaluations

The Industrial Stormwater Permit requires facility operators to develop and implement a Monitoring and Reporting Program. Industrial Stormwater Permit, Section B: Monitoring Program and Reporting Requirements, (1) and Order Part E(3). The Industrial Stormwater Permit requires that the MRP ensure that each facility's stormwater discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving

Water Limitations specified in the Industrial Stormwater Permit. *Id.* at Section B(2). Facility operators must ensure that their MRP practices reduce or prevent pollutants in stormwater and authorized non-stormwater discharges as well as evaluate and revise their practices to meet changing conditions at the facility. *Id.* This may include revising the SWPPP as required by Section A of the Industrial Stormwater Permit. The MRP must measure the effectiveness of BMPs used to prevent or reduce pollutants in stormwater and authorized non-stormwater discharges, and facility operators must revise the MRP whenever appropriate. *Id.* Facility operators are also required to provide an explanation of monitoring methods describing how the facility's monitoring program will satisfy these objectives. *Id.* at Section B(10).

SOS Steel has been operating the Facility with an inadequately developed and/or inadequately implemented MRP, in violation of the substantive and procedural requirements set forth in Section B of the Industrial Stormwater Permit. For example, the data in Attachment 2 indicate that SOS Steel's monitoring program has not ensured that stormwater discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of the Industrial Stormwater Permit as required by Section B(2). The monitoring program has not resulted in practices at the Facility that adequately reduce or prevent pollutants in stormwater as required by Order Part B(2). Similarly, the data in Attachment 2 indicate that SOS Steel's MRP has not effectively identified or responded to compliance problems at the Facility or resulted in effective revision of BMPs in use or the Facility's SWPPP to address such ongoing problems as required by Section B(2).

As a result of SOS Steel's failure to adequately develop and/or implement an adequate MRP at the Facility, SOS Steel has been in daily and continuous violation of the Industrial Stormwater Permit and the CWA on each and every day for the past five years. These violations are ongoing. SOS Steel will continue to be in violation of the monitoring and reporting requirements each day that SOS Steel fails to adequately develop and/or implement an effective MRP at the Facility. SOS Steel is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring for the last five (5) years.

5. Discharges Without Permit Coverage.

Section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a), prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES permit issued pursuant to section 402 of the Clean Water Act. *See* 33 U.S.C. §§ 1311(a), 1342. In turn, SOS Steel sought coverage for the Facility under the Industrial Stormwater Permit, which states that any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit "must be either eliminated or permitted by a separate NPDES permit." Industrial Stormwater Permit, Order Part A(1). Because SOS Steel has not obtained coverage under any separate NPDES permit, and has failed to eliminate discharges not permitted by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will

continue to constitute a discharge without CWA permit coverage in violation of section 301(a) of the Clean Water Act, 33 U.S.C. §1311(a).

IV. PERSONS RESPONSIBLE FOR THE VIOLATIONS

SOS Steel is the person responsible for the violations at the Facility described above.

V. NAME AND ADDRESS OF NOTICING PARTY

Our name, address, and telephone number is as follows:

San Francisco Baykeeper
785 Market Street, Suite 850
San Francisco, CA 94103
(415) 856-0444

VI. COUNSEL

Baykeeper is represented by the following counsel in this matter, to whom all communications should be directed:

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Amanda Garcia: (415) 856-0444 x105, amanda@baykeeper.org

VII. REMEDIES

Baykeeper intends, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against SOS Steel for the above-referenced violations. Baykeeper will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. §1365(a) and such other relief as permitted by law. In addition, Baykeeper will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d) and 40 C.F.R. section 19.4, against SOS Steel in this action. The CWA imposes civil penalty liability of up to $32,500 per day per CWA violation for violations occurring from March 15, 2004 through January 12, 2009, and $37,500 per day per violation for violations occurring after January 12, 2009. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4 (2009). Baykeeper will seek to recover attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d).

As noted above, Baykeeper is willing during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact me or Amanda Garcia to initiate these discussions.

Sincerely,

Andrea L. Kopecky

Andrea L. Kopecky
Associate Attorney
San Francisco Baykeeper

Cc:

Lisa Jackson Administrator US EPA, Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Mail Code: 1101A Washington, D.C. 20460	Eric H. Holder, Jr. Attorney General U.S. Department of Justice 950 Pennsylvania Avenue, N.W. Washington, D.C. 20530-0001
Jared Blumenfeld Regional Administrator U.S. EPA - Region 9 75 Hawthorne Street San Francisco, California 94105	Thomas Howard Executive Director State Water Resources Control Board 1001 I Street Sacramento, CA 95814
Bruce Wolfe Executive Officer Regional Water Quality Control Board San Francisco Bay Region 1515 Clay Street, Suite 1400 Oakland, CA 94612	

Attachment 1: EPA Benchmarks

Parameter	Units	Benchmark value
Biochemical Oxygen Demand	mg/L	30
Chemical Oxygen Demand (COD)	mg/L	120
Total Suspended Solids (TSS)	mg/L	100
Oil and Grease	mg/L	15
Nitrate + Nitrite Nitrogen	mg/L	0.68
Total Phosphorus	mg/L	2
pH	SU - low	6
pH	SU - high	9
Acrylonitrile	mg/L	7.55
Aluminum Total	mg/L	0.75
Ammonia Total (as N)	mg/L	19
Antimony, Total	mg/L	0.64
Arsenic Total	mg/L	0.15
Benzene	mg/L	0.01
Beryllium, Total	mg/L	0.13
Butylbenzyl Phthalate	mg/L	3
Chloride	mg/L	860
Copper Total	mg/L	0.0636
Dimethyl Phthalate	mg/L	1
Ethylbenzene	mg/L	3.1
Fluoranthene	mg/L	0.042
Fluoride	mg/L	1.8
Iron Total	mg/L	1
Lead Total	mg/L	0.0816
Manganese	mg/L	1
Mercury Total	mg/L	0.0024
Nickel Total	mg/L	1.417
PCB-1016	mg/L	0.000127
PCB-1221	mg/L	0.1
PCB-1232	mg/L	0.000318
PCB-1242	mg/L	0.0002
PCB-1248	mg/L	0.002544
PCB-1254	mg/L	0.1
PCB-1260	mg/L	0.000477
Phenols, Total	mg/L	1
Pyrene	mg/L	0.01
Selenium Total	mg/L	0.2385
Silver Total	mg/L	0.0318
Toluene	mg/L	10
Trichloroethylene	mg/L	0.0027
Zinc Total	mg/L	0.117
Cyanide Total (as CN)	mg/L	0.0636
Magnesium Total	mg/L	0.064
Electrical Conductivity @ 25 Deg. C	umhos/cm	200

Attachment 2: Table of Violations for S.O.S. Steel Company, Inc.

Table containing each stormwater sample result provided by SOS Steel in which samples exceed Water Quality Standards (yellow), or EPA Benchmarks (green), or both (green). The EPA Benchmarks and Water Quality Standards are listed at the end of the table. All stormwater samples were collected during the past five years. SOS Steel only collected samples during the 2008-2009, 2010-2011, and 2011-2012 wet seasons.

No.	Sampling Location	Sampling Date	Parameter		Value	Units	Wet Season
1	N.E. #1	4/10/2012	Total Suspended Solids (TSS)	=	158	mg/L	2012-2011
2	#1	4/10/2012	Nitrate + Nitrite Nitrogen	=	1.2	mg/L	2012-2011
3	#1	4/10/2012	Aluminum Total	=	5.4	mg/L	2012-2011
4	#1	4/10/2012	Iron Total	=	10	mg/L	2012-2011
5	#1	4/10/2012	Zinc Total	=	0.47	SU	2012-2011
6	#2	4/10/2012	Electrical Conductivity @ 25 Deg. C	=	763	umhos/cm	2012-2011
7	#2	4/10/2012	Total Suspended Solids (TSS)	=	106	mg/L	2012-2011
8	#2	4/10/2012	Nitrate + Nitrite Nitrogen	=	30	mg/L	2012-2011
9	#2	4/10/2012	Aluminum Total	=	2.8	mg/L	2012-2011
10	#2	4/10/2012	Iron Total	=	5.9	mg/L	2012-2011
11	#2	4/10/2012	Zinc Total	=	0.17	SU	2012-2011
12	N.E. #1	3/18/2011	Total Suspended Solids (TSS)	=	456	mg/L	2010-2011
13	N.E. #1	3/18/2011	Aluminum Total	=	15	mg/L	2010-2011
14	N.E. #1	3/18/2011	Iron Total	=	30	mg/L	2010-2011
15	N.E. #1	3/18/2011	Zinc Total	=	0.86	SU	2010-2011
16	S.E. #2	3/18/2011	Total Suspended Solids (TSS)	=	874	mg/L	2010-2011
17	S.E. #2	3/18/2011	Nitrate + Nitrite Nitrogen	=	1.7	mg/L	2010-2011
18	S.E. #2	3/18/2011	Aluminum Total	=	24	mg/L	2010-2011
19	S.E. #2	3/18/2011	Iron Total	=	47	mg/L	2010-2011
20	S.E. #2	3/18/2011	Zinc Total	=	0.81	SU	2010-2011
21	#1 - N.E.	4/7/2009	Nitrate + Nitrite Nitrogen	=	1.6	mg/L	2008-2009
22	#1 - N.E.	4/7/2009	Aluminum Total	=	8.4	mg/L	2008-2009
23	#1 - N.E.	4/7/2009	Iron Total	=	16	mg/L	2008-2009
24	#1 - N.E.	4/7/2009	Zinc Total	=	5.6	SU	2008-2009
25	#2 - S.E.	4/7/2009	Electrical Conductivity @ 25 Deg. C	=	438	umhos/cm	2008-2009
26	#2 - S.E.	4/7/2009	Nitrate + Nitrite Nitrogen	=	18	mg/L	2008-2009
27	#2 - S.E.	4/7/2009	Aluminum Total	=	19	mg/L	2008-2009
28	#2 - S.E.	4/7/2009	Iron Total	=	36	mg/L	2008-2009
29	#2 - S.E.	4/7/2009	Zinc Total	=	0.50	SU	2008-2009

California Toxics Rule (CTR) Criterion Maximum Concentration, Freshwater or 2008 EPA benchmarks (Multi Sector General Permit; MSGP)

Parameter	Units	Benchmark value	Source
Chemical Oxygen Demand (COD)	mg/L	120	MSGP
Total Suspended Solids (TSS)	mg/L	100	MSGP
Aluminum Total	mg/L	0.75	MSGP
Arsenic Total	mg/L	0.34	CTR
Copper Total	mg/L	0.013	CTR*
Iron Total	mg/L	1	MSGP
Lead Total	mg/L	0.069	MSGP*
Nickel Total	mg/L	0.42	MSGP*
Silver Total	mg/L	0.0318	MSGP*
Zinc Total	mg/L	0.11	MSGP*
Cyanide Total (as CN)	mg/L	0.022	CTR
Nitrate + Nitrite Nitrogen	mg/L	0.68	MSGP

*Hardness dependent in freshwater; assuming hardness of 100 mg/L CaCO3.

Criteria - Basin Plan (BP), Freshwater

Parameter	Units	Water Quality Standard	Source
Arsenic Total	mg/L	0.34	BP
Cadium, Total	mg/L	0.0039	BP*
Chromium VI	mg/L	0.016	BP
Copper Total	mg/L	0.013	BP
Cyanide Total (as CN)	mg/L	0.022	BP
Lead Total	mg/L	0.22	BP
Mercury Total	mg/L	0.0024	BP
Selenium Total	mg/L	0.29	BP
Silver Total	mg/L	0.0034	BP*
Zinc Total	mg/L	0.12	BP*
Nickel Total	mg/L	0.47	BP*

*Hardness dependent in freshwater; assuming hardness of 100 mg/L CaCO3.

Attachment 3: Alleged Dates of Violations by S.O.S. Steel Company, Inc., January 2008 to November 2012

Days with Precipitation One Tenth of an Inch or Greater, as reported by NOAA's National Climatic Data Center, Palo Alto station. http://www7.ncdc.noaa.gov/IPS/coop/coop.html.

2008	2009	2010	2011	2012
1/10/2008	1/22/2009	1/18/2010	1/2/2011	1/21/2012
1/22/2008	2/5/2009	1/19/2010	1/30/2011	1/23/2012
1/26/2008	2/7/2009	1/20/2010	1/31/2011	2/14/2012
1/27/2008	2/9/2009	1/21/2010	2/16/2011	2/29/2012
1/28/2008	2/12/2009	1/22/2010	2/17/2011	3/14/2012
1/30/2008	2/13/2009	1/23/2010	2/18/2011	3/15/2012
2/1/2008	2/14/2009	2/5/2010	2/19/2011	3/17/2012
2/20/2008	2/15/2009	2/06/2010	2/20/2011	3/25/2012
2/22/2008	2/23/2009	2/09/2010	2/25/2011	4/1/2012
2/23/2008	3/2/2009	2/22/2010	3/6/2011	4/11/2012
2/24/2008	3/4/2009	2/24/2010	3/16/2011	4/13/2012
2/25/2008	3/5/2009	2/27/2010	3/19/2011	4/26/2012
3/15/2008	3/22/2009	3/2/2010	3/20/2011	10/22/12
10/4/2008	4/9/2009	3/3/2010	3/21/2011	10/23/12
11/1/2008	5/2/2009	3/4/2010	3/23/2011	10/24/12
11/2/2008	5/5/2009	3/9/2010	3/24/2011	11/1/12
11/4/2008	9/22/2009	3/10/2010	3/25/2011	11/17/12
11/26/2008	10/13/2009	3/12/2010	3/26/2011	11/18/12
12/16/2008	10/14/2009	3/25/2010	3/28/2011	11/21/12
12/19/2008	10/20/2009	3/30/2010	6/4/2011	11/29/12
12/22/2008	12/06/2009	3/31/2010	6/5/2011	
12/23/2008	12/11/2009	4/1/2010	6/29/2011	
12/25/2008	12/12/2009	4/5/2010	10/4/2011	
	12/13/2009	4/12/2010	10/5/2011	
	12/27/2009	4/13/2010	10/7/2011	
		4/20/2010	10/11/2011	
		4/22/2010	11/4/2011	
		4/27/2010	11/6/2011	
		4/28/2010	11/20/2011	
		4/29/2010		
		5/11/2010		
		5/18/2010		
		5/26/2010		
		11/8/2010		
		11/20/2010		
		11/21/2010		
		11/27/2010		
		12/6/2010		
		12/17/2010		
		12/18/2010		
		12/19/2010		
		12/20/2010		
		12/22/2010		
		12/29/2010		

Attachment 4: Water Quality Standards

Parameter	Units	Water quality standard	Source
Arsenic Total	mg/L	0.069	Basin Plan
Cadium, Total	mg/L	0.042	Basin Plan
Chromium VI	mg/L	1.1	Basin Plan
Copper Total	mg/L	0.0108	Basin Plan, Site Specific Objectives
Cyanide Total (as CN)	mg/L	0.0094	Basin Plan, Site Specific Objectives
Lead Total	mg/L	0.22	Basin Plan
Mercury Total	mg/L	0.0021	Basin Plan
Selenium Total	mg/L	0.29	California Toxics Rule
Silver Total	mg/L	0.0019	Basin Plan
Zinc Total	mg/L	0.09	Basin Plan
PAHs	mg/L	0.015	Basin Plan
Nickel Total	mg/L	0.0624	Basin Plan, Site Specific Objectives